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September 13, 2021

Via ECF

Hon. Loretta A. Preska, U.S.D.J.
United States District Court
500 Pearl Street
New York, NY 10007

**Re: Motion for Extension of Time to Move for Substitution of Cho Kam Sze
Ye v. 2953 Broadway LLC, No. 18-cv-04941 (LAP), (S.D.N.Y)**

Your Honor,

I represent the Plaintiffs in the above-referenced matter. I write respectfully to provide a status update on the Administration for Letters of Administration for the late CHO KAM SZE a/k/a Tommy Sze (hereinafter "Tommy Sze") by his son, EDWIN QIANG XI SZE (hereinafter "Edwin Sze") the proposed administrator. This is Plaintiff's fourth request for extension of time. We have reached out to Defendants' attorney on September 13, 2021 seeking their consent by email and telephone and they got back to us on September 14, 2021 at 2:02 p.m. stating: "I am waiting for the estate attorney to contact me regarding the status of the administration. I cannot at this time consent to your request without knowing the status or the veracity of your allegation that the delay has anything to do with my client. Regards" in spite of having been cc'ed on same email that the estate attorney sent to our firm on September 7, 2021.

Since our last update, the Surrogates' Court has converted the paper filing by YI LIN, attorney of the estate to Electronic Filing on July 22, 2021 and uploaded the Affidavit of Bond (Waiver) as well as the Amended Petition on August 17, 2021. This office has requested updates from YI LIN about the status of the letter of administration by email on July 29, 2021, August 18, 2021, and September 7, 2021, and to each, YI LIN stated that he has not yet received the letters of administration. His latest communication, in response to the question "[d]id you receive a Letter of Administration yet?," was "[n]ot yet. According to the clerk, a judge will first need to review and approve the petitioner's application for the bond to be dispensed with."

Thus, in light of the delay occasioned by EDWIN SZE's affidavit for a bond waiver, which has resulted in a delay in the processing of the Letter of Administration, we sincerely request that the Court further extend Plaintiffs' time to move for substitution of deceased Defendant from September 14, 2021 to December 13, 2021. See *Hybrid Capital Group, LLC v. Padell*, 17-cv-06343 (KPF), Dkt. No. 68 (S.D.N.Y. Nov. 16, 2018) (granting extension when petition for appointment of executor was still pending when motion for substitution under Rule 25 was due).

I thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
Troy Law, PLLC
/s/John Troy
John Troy
Attorney for Plaintiffs

cc: via ECF
all counsel of record
/mh

SO ORDERED.

Dated: September 15, 2021
New York, New York



LORETTA A. PRESKA, U.S.D.J.